A true Account of what was ſaid to Mr. Sergeant *Jekyll*, Mr. Sergeant *Tracy*, and Mr. Sergeant *Hall*. *Nov.* 6th 1700. In the Middle-Temple-Hall.

SIRS,

IT happens to be my Province at preſent, in the Name of this Society to wiſh you well, upon this occaſion of your advancement to the State and degree of Sergeants at Law: You go hence (we preſume) not from any diſlike to the Company you leave, but in obedience to the Kings command, and in hopes of doing further Service to your Country, than your former Stations would permitt; ſure I am, there's no occaſion to pray your remembrance of that Mother, which hath thus bred you, as to merit his Majeſties favour, in ſo particular and diſtinguiſhing a manner, There can be no occaſion to tell you, that the Middle-Temple hath been and ſtill is a Nurſery, which no man need be aſhamed to own: The other Houſe ſends a greater number of Sergeants; I will not, I muſt not ſay, that we could have equal'd them, perhaps not; but we hope that you do and will diſparage their Number, by excelling them in Knowledge and Practice, and the Honour of our Houſe doth in ſome meaſure depend upon the Preſumption that you will: We have been their equals formerly, tho now they exceed us in this Inſtance by a great Majority: 'Tis true we have no *Cooke* to boaſt of, by miſchance he was planted in their Soyl; but we had a *Dyer*, a *Brooke*, and a *Plowden*, who furniſht him with his beſt Materials, both for his Inſtitutes and Reports: Mr. Juſtice *Crooke* was theirs, tho by the by that Family was originally ours, but *Moors* and *Pophams* Reports have not been unuſeful to the Studious Lawyer.

They had a *Selden* we had our *Maynard*; they had a Sir *Heneage Finch* we had a Sir *Jeffery Palmer*: *Pollexfen* was theirs, but we had a *Saunders*, and a *Saunders* too that was an acknowledged good Pleader.

Vaughan was the Pride and Glory of their Houſe in his time, but *Treby* was ours, who equall'd him in the Senate, and ſince on the Bench: They may with Juſtice boaſt of founding the great Families of the Marqueſs of *Normanby* the Earl of *Nottingham* and many others: I ſay that they may boaſt of their *Littletons*, *Sheffield's*, *Finch's*, *Coventry's*, *Jeffery's*, *Trevor's*, and yet we are not ſo unhappy, as to come much ſhort either in Number or Quality: We have had our *Rich's*, our *Forteſcues'*, our *Mordant's*, our *Hides*, our *North's*, our *Mountagu's*, our *Strangeway's* and *Portman's*, if they think to turn the Balance by the great *Trevor*, I mean his Majeſties Attorney General, who hath more promoted his Maſters Honour and his own, by a juſt proſecution of Delinquents, and at the ſame time preventing Oppreſſion, than any of his Predeceſſors in former times did by violence: We muſt (if he be named) preſume to mention our *Northey*, whoſe ſtubborn Adherence to Right and Law, hath prevented much iniquity in the *Duchy* Court, to my knowledge: As to Chancellors and Keepers, thoſe are above the Common Law, and our Notice here.

I know compariſons are odious, but I hope you'l pardon me, when you conſider that all kinds of Duty command me to beſeech and importune your remembrance of the Middle-Temple; and I have mentioned theſe particulars, not ſo much to advance our own above other Society's, as to provoke a juſt emulation in the young Gentlemen of our Houſe that hear me, from your Examples and thoſe of your Predeceſſors; for that notwithſtanding the Studied attempts to ſubvert or expoſe the Law, it muſt be own'd to have been and ſtill to be an Honourable Profeſſion: And if their Graces their Excellencies, their Honours, their Lordſhips, and their Worſhips, or by whatſoever Titles they diſtingniſh themſelves, who are ſo prophane as to blaſpheme the ſacred Law of their Country, and ridicule its Profeſſors, I ſay if thoſe would reflect on the original of their own Families, and conſider how that the Induſtry, the Knowledge and the Reputation of their Anceſtors, while and as practiſing Common Lawyers, laid the Foundation of their Eſtates, they muſt be convinced of their Error.

The Lawyers of this Age are full as honourable and juſt, as thoſe who founded the Dukedoms, Earldoms and the like: They are Miniſters and Officers of Juſtice, they are under a truſt repoſed in them by the Conſtitution for the ſervice of their Country, and while they conſider and diſcharge that truſt they will be Honourable: But to return to our Houſe: This Houſe hath within the Memory of many now ſtanding here, afforded Members to ſuſtain the greateſt Offices in the Kingdom, not to mention the great Seal, I ſay the Privy and Secretary's Seal as well as the Treaſury; nor need I take notice of Judges, Chief and Puiſne, they are too numerous to need a remembrance.

SIRS,

There's one thing I muſt mention, which is to the honour of our houſe, and I hope, will be pleaſant for you to hear: We have a conſiderable number of Vacation, and other young Bariſters, who for Probity and Vertue, and for all kinds of Polite Learning, as well as knowledge in the Law, may vie or compare with any or all the other Societies, and do juſtly deſerve your favour and encouragement: They have been bred at the feet of *Gamaliel*, and there have learnt the true and proper diſtinctions in the moſt doubtful Queſtions, the art and rules of juſt Pleading, and the ſound reaſon of ſuch Rules. Bariſters who had not their Breeding in the Six Clarks Office, or in the new Inn, call'd *Symond's* Inn, as ſome, who never underſtood any other Language than what their Nurſes taught them, and that but indifferently too, God knows, if ſenſe and good manners be requir'd in the uſe on't: Thoſe which I ſpeak of, are of another ſort, they are ſuch as give their Country hopes of a good Succeſſion to you, Sirs, and an happy continuance of the Law (if poſſible) which every *Engliſhman* ought to wiſh for, not meerly as a Profeſſion,

ſion, and for the ſake of profit by it (tho that be both lawful and honourable) but as a fence to Property and a preſervative of the Government. I muſt crave leave to ſay, 'tis a ſcandal to our Adminiſtration, a reproach to the Law, to ſee Gentlemen of a Learned and Ingenious Education, who have well employed their youth in the ſtudy of our Laws, and other Learning, and have attended many years in the King's Bench, that true School for general knowledge, under that great Maſter of his Profeſſion, the Lord Chief Juſtice *Holt*, be forced for a livelihood to walk on foot croſs *Lincolns-Inn-Fields*, to attend at Seals, and the tranſcribers or abridgers of Bills and Anſwers, ride in Coaches, and in Court and out of Court, in practiſe and profit out-do the Gentlemen, the Scholars, and the Lawyers. This is a melancholy reflection, but a true one.

SIRS,

You muſt permit me to ſay it, and I ſpeak it without reflection, 'tis a ſerious truth, and I am encouraged to ſay it from the place I ſtand in, the *Middle-Temple-Hall*, and, if old *Plowden* were alive, he would ſecond me; 'tis this, if the Common Law continue to diſſolve and another Juriſdiction to incroach, neither private property, nor the publick Conſtitution can long continue ſafe. We hope and pray, that the preſent Lord Keeper will rather reſtrain than enlarge that growing Madneſs, but however, it is with ſubmiſſion, I ſpeak it, in my opinion it is your, and every of our duties, to aſſiſt towards the recovery of the Common Law; for otherwiſe, 'tis in vain for you to boaſt of *Libertas*, 'tis all *Imperium*, and nothing elſe: I could have wiſh'd you had given our Law the preference to Equity in your Motto, but that's paſt; our Studies and our Manners ought to be ſuch as may promote the reputation of the Common Law, and all the ſterle Intereſt and Power we have in the World, ſhould be uſed to advance it, I ſay, to advance the Common Law, in contradiſtinction both to the Chancery, and the Commons, and it is preferable to both, becauſe leſs Arbitrary; and the task were eaſie to prove the reaſonableneſs and convenience to be on our ſide, in moſt points wherein we differ from the Civil Law: I ſhall make but three obſervations on this ſubject; no Country but hath its municipal Laws, and many as wide from the Roman Civil Law, as ours, ſo that theirs is not the Catholick Juſtice of the World, as they call it: They upbraid us with defect of Reaſoning, and barbarous Latine, for the firſt I appeal to any of the *Recueils* of the Parliament at *Paris*, and let any man compare them with the Arguments in *Weſtminſter-Hall*, and, I am bold to ſay, ours are more Convictive, tho' theirs have more of the Flouriſh; and for our Latin, let the beſt Critick peruſe our Regiſter, and read our old Writs, he will find words proper, juſt and ſignificant, *Milton* himſelf acknowledged them good: And let any man look into their Libels, I mean their common ones, and compare them with our Prohibitions, and I do ſay, theirs are not leſs bad than ours, tho' neither are very commendable. But one thing is obſervable that all our knowledge is acquir'd without the help of Tutors, which in that and every other Science is generally uſed.

SIRS,

I'll not waſte your time in making Encomiums upon that which we all profeſs to admire, 'tis not only future profit or gain, but the enjoyment and continuance of what we and our fellow Subjects have already got, commands our aſſiſtance to promote the Common Law: Its rules are Wiſe and Juſt, it makes the beſt proviſions for the Liberties of the People, and the Prerogatives of the Crown. It ſets the moſt equal and certain boundaries to each, and if encourag'd 'twill make both King and Subject happy and ſafe, and, Sirs, I do not deſpair of ſeeing it revive, I fear neither Civil Law nor Chancery's prevailing the former is contrary to our Genius, and the latter can't ſtand long; the uncertainty, the delay, and the expence of the thing call'd Equity, will in time prove its own deſtruction; 'tis, I had almoſt ſaid, the only remaining badge of ſlavery left amongſt us; the time will come when the Gentry of *England*, will be provoked to attempt the reſcue of their Eſtates from that Diſcretionary power, I muſt not call it Arbitrary. 'Twould be impertinent for me to ſay more.

The degree, Sirs, which you have accepted is a Common Law preferment and the Oath which you took the otherday is a ſufficient Memorandum of it.

Your Mother therefore prays the continuance and increaſe of your love to the Common Law, and the Profeſſors of it, and particularly to thoſe of this Houſe, and more particularly ſtill to thoſe of the younger ſort; that by your Countenance and Encouragement, and the like from your Succeſſors, the Common Law and the *Middle Temple* may flouriſh and proſper as long as old *England* ſhall endure: And I pray, and I hope, you'll join with me in the Prayer, that that may be till time ſhall be no more.

Sirs, I am commanded to beg your acceptance of a ſmall token of your Mothers reſpects, and to aſſure you that ſhe wiſhes you well.

Publiſh'd at the importunity of ſome friends to truth, who deſire to have it remembred, that the Honourable Mr. Baron *Tracy*, and 100 other Gentlemen, were preſent in the Hall upon this occaſion.